

U.S. Department of Agriculture
Supporting Statement
Race, Ethnicity and Gender Data Collection
OMB Number: 0503-NEW

1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing collection of information.

This data collection is necessary to implement Sections 14006 and 14007 of the Food, Conservation, and Energy Act of 2008, 7 U.S.C. 8701 (hereafter referred to as the 2008 Farm Bill). Section 14006 of the 2008 Farm Bill establishes a requirement for the Department of Agriculture (USDA) to annually compile application and participation rate data regarding socially disadvantaged farmers or ranchers by computing for each program of the USDA that serves agriculture producers and landowners (a) raw numbers of applicants and participants by race, ethnicity, and gender (REG), subject to appropriate privacy protections, as determined by the Secretary; and (b) the application and participation rate, by race, ethnicity and gender, as a percentage of the total participation rate of all agricultural producers and landowners for each county and State in the United States. Pursuant to the authority in section 14006, the agencies of the Department of Agriculture are to collect the data and transmit it to the Secretary of Agriculture. Section 14007 requires the Department of Agriculture use the data collected in the conduct of oversight and evaluation of civil rights compliance.

2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.

Data will be collected on a voluntary basis from customers at the application stage. The Natural Resources Conservation Service (NRCS) and Farm Service Agency (FSA) will use a voluntary data collection form that will be attached as a cover page to the application forms for programs that provide services to agriculture producers, farmers and ranchers. The Rural Development (RD) Mission Area currently collects customer declared REG data. The RD Agencies will continue to use its current process to collect the REG data for applicants and participants. They will modify their check-list form to collect whether an applicant or participant is a farmer or rancher (to conform with the requirements of the Farm Bill), which will cause minimum burden. The agencies will enter the information from the forms into their electronic data systems.

Section 14006 of the 2008 Farm Bill requires the Secretary of Agriculture to annually compile program application and participation rate data by county, State, and the entire United States regarding socially disadvantaged farmers or ranchers by computing for each program of USDA that serves agricultural producers or landowners. It directs the Secretary to use technologies and systems of the National Agricultural Statistics Service (NASS) to compile and present the raw numbers and participation rates to the public, via website and otherwise in electronic and paper form. The data shall be used by the Office of Advocacy and Outreach and the agencies to

enhance coordination of outreach, technical assistance, and education efforts authorized under agriculture programs. It shall assist the Secretary in reaching current and prospective socially disadvantaged farmers or ranchers in a linguistically appropriate manner and to improve the participation of those farmers and ranchers in USDA programs, as reported under Section 2501A of the Food, Conservation and Trade Act of 1990. Because this is not a random sampling, the data is intended to be used as one indicator in targeting and designing outreach activities and is in no way considered to be a statistically significant analysis. For example, it may indicate a need to focus resources in a particular county or region where low participation is indicated by the data. It could also be used as an indicator of whether outreach efforts are working effectively or not, and whether underserved communities are responding to our efforts.

Section 14007 of the 2008 Farm Bill directs the Secretary to use reports generated from the data to conduct oversight and evaluation of civil rights compliance, which is the responsibility of the Office of the Assistant Secretary for Civil Rights. Again, USDA intends to use the data as an indicator in assessing compliance with civil rights laws in program delivery; however, USDA will exercise caution in use of the data and will not use the data as a sole factor for decisions regarding civil rights compliance within an organizational level. Those assessments will be based on other factors, such as landowner interviews, employee interviews, and records and case file reviews and sampling. The data may also be used as an indicator in directing compliance reviews to geographic areas where there are indications of low participation in USDA programs by minorities and women, thus serving as an “early warning system” that warrants further investigation.

We further plan to provide training to employees at all organizational levels to educate them on the need for and appropriate uses of the data and to increase their understanding of the value of the data to helping them manage NRCS programs and outreach. We also plan to engage farm and advocacy groups in an education process so that they understand how the data can be used appropriately and to encourage their voluntary cooperation in completing the form.

Because data previously collected by NRCS and FSA has been based only on employee visual identification, the current data may be unreliable for useful analysis in indicating specific areas and locations of problems—which need to be addressed-- or successes, which may serve as models in future outreach efforts.

3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.

Currently NRCS and FSA collect REG data in the Service Center Information Management System (SCIMS) to run reports regarding program participation. The SCIMS is a customer data warehouse that collects names, address, identification number, etc. The REG data is currently

based on visual observation by the NRCS or FSA employee. Therefore, there are significant gaps in the data and potential inaccuracies. The data in SCIMS is then linked to electronic NRCS and FSA programs data systems; this will result in compiled data at the end of the year that will indicate the numbers of applicants and participants in all the various programs in every county by REG. These raw data will then be compared to the NASS census data for agricultural producers in each county so that a county-level analysis of percent of applicants and participants by REG for each program can be produced and used for the purposes listed in Item 2.

Existing REG data in SCIMS may or may not be accurate or complete because of the employee visual identification. This data will be updated, which will require customers who already have a record in SCIMS to complete the form so field office staff can update their SCIMS record. This can easily be done over a period of time when the existing customer comes in to make a new application, or to conduct business related to their existing program contracts. This process will create minimum burden on field office staffs and customers. The goal will be that every new customer entered in SCIMS and every existing customer record in SCIMS will be connected with REG data so that the analyses described above can be made. The SCIMS data already has the necessary Personally Identifiable Information (PII) data protections built into the system.

The voluntary application REG form will also be available through the USDA's e-Forms Web site at <http://www.sc.egov.usda.gov/>, and through the agencies' Web sites. Paper versions of the program applications are available at the USDA Service Centers. The data collection form will be attached as the cover page of these application forms.

Until all NRCS and FSA REG data is customer declared, the information will have to be collected. Obviously this will be an ongoing process as new customers come in to apply. NRCS and FSA will monitor REG data by running reports on a regular basis to determine the percentage of customer declared information.

4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.

USDA is the only Department required by the Farm Bill to submit an annual report to the Congress and the public based on the race, ethnicity and gender of applicants and participants in programs for agricultural producers and landowners. Hence, there is no duplication of this effort through other Federal agencies. USDA's Rural Development Mission Area agencies collect race, gender, and ethnicity data for civil rights compliance for several of its programs. However, those programs are not programs that necessarily provide services to agricultural producers and landowners. This data collection is limited to programs that provide services to agricultural producers and landowners. Therefore, for the programs that can potentially serve agricultural producers, RD will need to add a data component to their existing REG-gathering form, which states: "Are you an Agricultural Producer?" RD will handle this form revision in a separate action from this data collection request.

Section 14006 of the 2008 Farm Bill states “LIMITATION,- Except as otherwise provided, the data under this section shall not be used for the evaluation of individual applications for assistance.” In compliance with this congressional mandate, USDA is required to collect the race, ethnicity, and gender data regarding program application and participation rates separately from the data that an applicant or participant may provide as a part of their program application. The information collected for the purposes set out in Section 14006 of the 2008 Farm Bill is provided by the applicant or participant on a voluntary basis. The collection form clearly informs the respondent that the questionnaire is voluntary. The data collection form has a statement that if the questionnaire was previously completed the respondent does not have to complete it again.

In section 10708 of the 2002 Farm Bill, 7 U.S.C. 2279-1, Congress required USDA to collect information on the participation rates of socially disadvantaged farmers and ranchers. When a participant did not give the data requested, USDA employees assigned a designation based on their visual observation. This employee observed data was later determined to be unreliable and will not be used for reports compiled in compliance with section 14006 of the 2008 Farm Bill. Once this data collection is approved and implemented, USDA will no longer use employee visual observation for the collection of REG data.

USDA has established the Minority Farm Register (Register) (OMB No. 0560-0231; Expiration 9/30/2010) to assist its outreach efforts. Farmers provide race, ethnicity and gender data for the Minority Farm Register but not all applicants or participants in USDA programs are eligible for, or participate in the Minority Farm Register, therefore the data collected would not be sufficient for compliance with Sections 14006 and 14007 of the 2008 Farm Bill.

5. If the collection of information impacts small businesses or other small entities (Item 5 of OMB Form 83-I), describe any methods to minimize burden.

The reporting requirements for this collection are intended to be as minimal as possible and are not anticipated to have any adverse affect on small business. Race, ethnicity, and gender information will be collected from individual applicants.

6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.

If race, ethnicity, and gender data is not collected on applicants and participants in USDA programs that serve agricultural producers and landowners, the Department will be unable to report accurately to the Congress and the public as required by the 2008 Farm Bill and will be in violation of this Federal law.

Failure to collect this information will also have a negative impact on USDA’s outreach and compliance activities and could result in an inability of the agencies to equitably deliver programs and services to applicants and producers and to hold the agencies accountable.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- requiring respondents to report information to the agency more often than quarterly;
This is not a requirement of this information collection
- requiring respondents to prepare a written response to a collection of information in fewer than 30 days after the receipt of it;
This is not a requirement of this information collection.
- requiring respondents to submit more than an original and two copies of any document;
This is not a requirement of this information collection.
- requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;
This is not a requirement of this information collection.
- in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study:
This is not a requirement of this information collection.
- requiring the use of a statistical data classification that has not been reviewed and approved by OMB;
This is not a requirement of this information collection.
- that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use;
This is not a requirement of this information collection.
- or
- requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.
This is not a requirement of this information collection.

8. If applicable, provide a copy and identify the date and page number of publication in the Federal Register of the agency's notice, required by 5CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.

(a) *Federal Register Notices:* A *Federal Register* Notice requesting public comments on this information collection was published May 13, 2009 (74 FR 22509-22510). A correction to the Notice was published June 19, 2009, that extended the comment period to July 31, 2009 (74 FR 29164). No comments have been received to date.

(b) Consultation with persons outside the agency: USDA formed a working group and included the Rural Coalition, represented by their Executive Director, Lorette Picciano, as an active member of the working group. The Rural Coalition is an alliance of over seventy regionally and culturally diverse organizations, working to build a more adjust and sustainable food system which brings a fair return to minority and other small farmer and rural communities. The Rural Coalition’s representative participated with the working group in designing a collection instrument that could be implemented with a minimum burden on the public. The contact information for the Rural Coalition is: Lorette Picciano, Executive Director, The Rural Coalition, Washington, D.C., 202-628-7160.

9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.

There will be no payments or gifts to respondents.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

Section 14006 of the 2008 Farm Bill states “PRIVACY PROTECTIONS. - In carrying out this section, the Secretary shall not disclose the names or individual data of any program participant.” In using the data for reports, making reports public on the Web site, or otherwise, the Secretary will ensure that there is full compliance with this provision of the 2008 Farm Bill. The reports to Congress and the public will contain aggregate totals and will not disclose names or individual data. Information collected under this request will be stored in USDA databases. These databases are fully compliant with applicable provisions of the Privacy Act of 1974 and OMB Circular A-130 “Responsibilities for Maintenance of Records about Individuals by Federal Agencies”.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior or attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

To the extent that asking questions related to race, ethnicity and gender is considered sensitive, this data collection asks questions of a sensitive nature. However, as said in response to questions for this Supporting Statement, Congress has mandated that this data be collected. Measures will be employed to protect the privacy of the information provided. In preparing the data collection instrument, the agency followed the OMB *Standards for the Classification of Federal Data on Race and Ethnicity*.

In order to ensure that the correct REG data is entered into SCIMS for the correct applicant, it is essential that the form include blanks for name and Tax Identification Number.

12. Provide estimates of the hour burden of the collection of information. Indicate the number of respondents, frequency of response, annual hour burden, and the explanation of how the burden is estimated.

Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens in Item 13 of OMB Form 83-I.

Provide estimates of annualized costs to respondents for the hour burdens for collection of information, identifying and using appropriate wage rate categories.

For the Farm Service Agency, Natural Resources Conservation Service, and Rural Development, it is estimated that the number of respondents will be 3.2 million responding one time. Each response is estimated to take two minutes, for a total of 106,667 burden hours.

13. Provide estimates of the total annual cost burden to respondents or record keepers resulting from the collection of information (do not include the cost of any hour burden shown in items 12 and 14). The cost estimates should be split into two components (a) a total capital and start-up cost component annualized over its expected useful life; and (b) a total operation and maintenance and purchase of services component.

There is no capital/startup or ongoing operation/maintenance costs to respondents associated with this information collection.

14. Provide estimates of annualized cost to the Federal government. Provide a description of the method used to estimate cost and any other expense that would not have been incurred without this collection of information.

The information for NRCS and FSA will be entered into the Service Center Information Management System database and RD will update the information collected in the database by the equivalent of a GS 7 employee. The average basic hourly rate for a GS 7, Step 5 employee, taking into account locality pay, is estimated to be \$21.07. Entering the data is expected to require approximately 10 minutes. Thus, the estimated total Federal cost based on 3.2 million applicants is \$11.2 million.

15. Explain any reasons for any program changes or adjustments reported in Items 13 or 14 on the OMB Form 83-I.

This is a new collection.

16. For collections of information whose results are planned to be published, outline plans for tabulation and publication.

By December 31 of each year, data presented and compiled, using systems and technologies of the National Agricultural Statistics Service, for Section 14006 will be reported to Congress and made available to the public via USDA's Web site and in electronic and paper formats. As required by the section 14006 of the 2008 Farm Bill, data will be tabulated be as follows:

“For each county and State in the United States, the Secretary of Agriculture shall annually compile program application and participation rate data regarding socially disadvantaged farmers and ranchers by computing for each program of the Department of Agriculture that serves agricultural producers and landowners

- (A) raw numbers of applicants and participants by race, ethnicity, and gender, subject to appropriate privacy protections, as determined by the Secretary; and
- (B) the application and participation rate, by race, ethnicity and gender, as a percentage of the total participation rate of all agricultural producers and landowners.”

17. If seeking approval to not display the expiration data for OMB approval of the information collection, explain the reasons that display would be inappropriate.

The agency is seeking approval to not display the OMB expiration date on the form associated with this information collection. This collection will be on ongoing activity of USDA, unless otherwise mandated by Congress. If an expiration number is displayed on the questionnaire that will be used as the data collection instrument, when the expiration date is past, the form will be out of date and will require retiring and destroying forms that have the past expiration date

18. Explain each exception to the certification statement identified in Item 19 “Certification of Paperwork Reduction Act.”

There are no exceptions to the certification statement.